

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

Ethel Yvonne Boyd,	)	
	)	Civil Action No. 8:07-2021-GRA-WMC
	)	
Plaintiff,	)	Order
vs.	)	
	)	
Wal-Mart Supercenter,	)	
	)	
Defendant.	)	
	)	

This matter comes before the Court to review Magistrate Judge Catoe's Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Rule 73.02(B)(2)(d), filed on August 15, 2008. For the reasons stated herein, this Court adopts the magistrate's Report and Recommendation in its entirety.

The plaintiff's complaint alleges wrongful hiring practices on behalf of the defendant. The Magistrate liberally construed these allegations to include discrimination claim based on race and age. On May 6, 2008 the plaintiff filed a document stating she wanted to dismiss her case. On May 12, 2008, the defendant filed a motion stating that it consented to dismissal of the plaintiff's case pursuant to Federal Rule of Civil Procedure 41.

Movant brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This

Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). Neither party has made objections to the magistrate's Report and Recommendation.

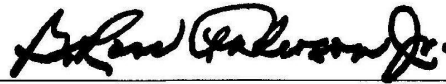
### **Conclusion**

After a thorough review of the record, magistrate's Report and Recommendation, and the relevant case law, this Court finds that the magistrate applied sound legal principles to the facts of this case. Therefore, this Court adopts the magistrate's Recommendation in its entirety.

IT IS THEREFORE SO ORDERED THAT the plaintiff's motion to dismiss be granted, and the instant case should be dismissed pursuant to Rule 41

without prejudice.

IT IS SO ORDERED.



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G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

October 15, 2008

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiff has the right to appeal this Order within thirty (30) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**